IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 14118 of 2004

Between:

Kanta Koteswara Rao, S/o. Kotaiah,
Hindu, R/o. Sujatha Nagar, 2nd Line, Ongole, Prakasam District.

... PETITIONER

AND

1 The Vice Chancellor, Nagarjuna University,
Nagarjuna Nagar, (Guntur District).
2 The Registrar, Nagarjuna University,
Nagarjuna Nagar, (Guntur District).
3 The Controller of Examinations, Nagarjuna University,
Nagarjuna Nagar, (Guntur District).

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus, directing the Respondents 1 to 3 to declare the M.Ed., betterment Examination Results of the Petitioner conducted in September, 2000.

Counsel for the Petitioner: MR.MANMADHA RAO KUMBHAJADALA

Counsel for the Respondents: MR.T.S.HARNATH

The Court at the admission stage made the following:

ORDER:

It is not in dispute that petitioner appeared for M.Ed. Examination conducted by the respondent university and not satisfied with the percentage of marks obtained by him, applied for betterment examination in the year 1994, but did not attend the examination. Petitioner again applied and attended for betterment examination in the year 1999 and even at that time he could not secure the expected marks. It is stated that petitioner once again appeared for the examination in the month of September 2000, but the respondents have not declared the results along with other candidates. Challenging the said action of the respondents, the present writ petition has been filed.

2. In opposition to the writ petition, respondents filed counter stating that petitioner who studied M.Ed. course appeared for the university examinations three times viz., in August 1992, July 1994 and October, 1999 and there is no provision to permit the M.Ed. degree holders to improve their qualification i.e., betterment unlike in other Post Graduate courses, but however, in the meeting of the Standing Committee to Academic Senate held on 06-07-1993, it was resolved to permit the M.Ed. degree holders to appear in one or more theory papers to improve their qualifications as in the case of other P.G. Courses. Petitioner, who appeared for the examinations three times in the year 1992, 1994 and 1999, is not entitled to appear for the fourth time as per the Rules. In view of the same, petitioner is not entitled to the declaration of the results.

3. Once the rules do not permit a candidate to appear for the betterment examination for the fourth time, which concession was only granted for three times, the petitioner, as a matter of right, cannot claim that he is entitled to be declared the results of the betterment examinations. It is now represented that the matter was referred to the committee that has been constituted. As and when the committee decides the case of the petitioner, he can avail the benefits available to him under law.

The writ petition is accordingly disposed of. No costs.

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A. **GOPAL REDDY, J**

October 27, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 The Vice Chancellor, Nagarjuna University,
Nagarjuna Nagar, (Guntur District).
2 The Registrar, Nagarjuna University,
Nagarjuna Nagar, (Guntur District).
3 The Controller of Examinations, Nagarjuna University,
Nagarjuna Nagar, (Guntur District).

4 Two C.D. Copies.